

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 23-mj-551 (TNL)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	ORDER FOR DETENTION
)	AND REMOVAL
v.)	
)	
MICHAEL TYRELL MCWILLIAMS,)	
)	
Defendant.)	

This matter was before the Court on July 11, 2023 for a detention and removal hearing, following Defendant Michael Tyrell McWilliams's arrest in the District of Minnesota on a warrant and indictment from the District of Colorado. McWilliams appeared and was represented by Assistant Federal Defender Robert H. Meyers. The United States was represented by Assistant United States Attorney Matthew D. Forbes.

At his initial appearance, McWilliams waived a hearing on the issue of identity. Accordingly, the Court finds pursuant to Fed. R. Crim. P. 5(c)(3)(D) that McWilliams is the person named in the indictment and arrest warrant out of the District of Colorado.

On the issue of detention, McWilliams waived his right to a detention hearing in Minnesota and reserved the issue of detention to be heard in the charging district.

FINDINGS AND CONCLUSIONS

McWilliams was charged by indictment with conspiracy to distribute both methamphetamine and fentanyl, and with possession with the intent to distribute the same. Under 18 U.S.C. § 3142, pretrial detention may be ordered if the government shows by

clear and convincing evidence that release will result in a danger to the community, or if the Government shows by a preponderance of the evidence that release will result in a serious risk of flight. *United States v. Abad*, 350 F.3d 793, 797 (8th Cir. 2003); *United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986). The drug charges in this case give rise to a rebuttable presumption of detention under § 3142.

Here, in light of the rebuttable presumption and McWilliams waiver and reservation, the Court concludes, for present purposes only, that no combination of conditions will adequately assure McWilliams's future appearance or the safety of the community, and the Court will order him detained. McWilliams may have the issue of detention heard further in the District of Colorado.

ORDER

For the foregoing reasons, IT IS HEREBY ORDERED that:

1. The motion of the United States for detention without bond of McWilliams is GRANTED;
2. McWilliams is committed to the custody of the United States Marshals for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
3. McWilliams shall be transported to the District of Colorado to make his appearance in the charging jurisdiction;

4 McWilliams shall be afforded reasonable opportunity to consult privately with his lawyer; and

5. Upon order of the Court or request by the United States Attorney, the person in charge of the correctional facility in which McWilliams is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with a court proceeding.

Dated: July 14, 2023

s/Tony N. Leung
United States Magistrate Judge